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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10 TV INTERACTIVE DATA
11 CORPORATION,

12 Plaintiff,

13 v.

14 SONY CORPORATION, et al.,

15 Defendants.

Case No. 10-CV-00475-JF

**STIPULATION AMONG PLAINTIFF
TV INTERACTIVE DATA
CORPORATION, THE DEFENDANTS,
AND NON-PARTY P&F USA, INC. TO
ADD P&F USA, INC. AS A
DEFENDANT AND ~~[PROPOSED]~~
ORDER**

1 WHEREAS non-party P&F USA, Inc. (“P&F”) is a wholly owned subsidiary of
2 Defendant Funai Electric Co., Ltd. (“Funai Electric”) that sells electronics products in the United
3 States, including allegedly infringing DVD-VIDEO (“DVD”) players and Blu-ray Disc™
4 (including Blu-ray 3D) (“BD”) players manufactured *inter alia* by Defendant Funai Electric;

5 WHEREAS Plaintiff TV Interactive Data Corporation (“TVI”) believes that Funai
6 Electric is responsible and liable for any and all infringement by P&F of United States Patent No.
7 5,597,307; United States Patent No. 5,795,156; United States Patent No. 6,249,863; and United
8 States Patent No. 6,418,532 (collectively, the “patents-in-suit”);

9 WHEREAS TVI filed a separate complaint against P&F in U.S. District Court for the
10 Northern District of California, Case No. 11-CV-02000, for alleged patent infringement involving
11 the automatic playback feature in DVD and BD players, the feature of which is allegedly
12 disclosed and claimed in the patents-in-suit;

13 WHEREAS TVI’s claims in this Action are for alleged patent infringement involving the
14 same patents and automatic playback feature in DVD and BD players;

15 WHEREAS TVI contends in this Action that Defendant Funai Electric is liable to TVI for
16 at least P&F’s sales in the United States of allegedly infringing DVD and BD players;

17 WHEREAS TVI asserts, among other things, that it is entitled to relief against Defendant
18 Funai Electric and P&F jointly, severally, or in the alternative with respect to or arising out of the
19 same sales of DVD and BD players by P&F;

20 WHEREAS questions of law and fact common to at least P&F and Funai Electric will
21 arise in this Action, including claim construction of the patents-in-suit, their validity, and whether
22 certain DVD and BD players sold by P&F infringe any valid claims of the patents-in-suit; and

23 WHEREAS, to promote judicial economy and reduce inconvenience, delay and added
24 expense, TVI, P&F, Funai Electric, Funai Corporation, Inc. (“Funai Corporation”), and the other
25 remaining Defendants in the case agree, subject to the approval of this Court, to add P&F as a
26 party to this Action.

27 Pursuant to Civil L.R. 7-12 and Fed. R. Civ. P. 15 and 20(a)(2), IT IS HEREBY
28 STIPULATED AND AGREED as follows:

1. P&F is added as a defendant to this Action.

2. Within seven days of the Court's approval of this stipulation, TVI will dismiss, without prejudice, its complaint against P&F in Case No. 11-CV-02000.

3. Within seven days of the Court's approval of this stipulation, TVI will file an amended complaint reasserting its claims against the remaining Defendants and against P&F. A copy of the amended complaint is attached hereto as Exhibit A. The allegations and claims against the remaining Defendants are the same as those in the original complaint.

4. P&F waives service of the summons. P&F and the remaining Defendants will file responsive pleadings to the amended complaint within 21 days after TVI files the amended complaint.

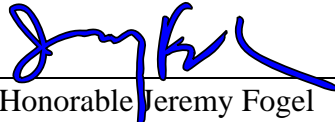
5. For purposes of Patent L.R. 3-1, 3-2, 3-3, 3-4 Patent Disclosures, Plaintiff TVI's disclosures to Funai Electric and Funai Corporation shall be treated as if also made to P&F, and Defendants Funai Electric's and Funai Corporation's disclosures shall be treated as if also made by P&F.

6. For purposes of Claim Construction Proceedings under Patent L.R. 4-1 to 4-7, P&F is considered part of Funai Electric and Funai Corporation (collectively, "the Funai defendant group") and, accordingly, the proceedings covered by Patent L.R. 4 are complete for P&F.

7. For purposes of discovery, P&F is considered part of the Funai defendant group.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

September 9,
Dated: ~~June~~ ____, 2011



Honorable Jeremy Fogel
United States District Judge

1 Dated: June 23, 2011

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1 I, Kevin W. Kirsch, am the ECF user whose ID and password are being used to file this
2 STIPULATION AMONG PLAINTIFF TV INTERACTIVE DATA CORPORATION, THE
3 DEFENDANTS, AND NON-PARTY P&F USA, INC. TO ADD P&F USA, INC. AS A PARTY
4 AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that
5 the above signatories have concurred in this filing.

6
7 Dated: June 23, 2011

/s/ Kevin W. Kirsch
Kevin W. Kirsch

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Baker & Hostetler LLP, whose address is 312 Walnut Street, Suite 3200, Cincinnati, Ohio 45202. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 23, 2011, I served the following:

STIPULATION AMONG PLAINTIFF TV INTERACTIVE DATA CORPORATION, THE DEFENDANTS, AND NON-PARTY P&F USA, INC. TO ADD P&F USA, INC. AS A DEFENDANT AND [PROPOSED] ORDER

☒ **BY ELECTRONIC SERVICE** by electronically mailing a true and correct copy through Baker & Hostetler LLP's electronic mail system to the e-mail addresses set forth below per agreement of the parties in accordance with Fed. R. Civ. P. 5(b).

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2011, in Cincinnati, Ohio.

/s/ John F. Bennett
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